

NEW RIVER COMMUNITY AND TECHNICAL COLLEGE PROCEDURE NO. 46

TITLE: Reduction in Force (Classified Employees)

EFFECTIVE DATE: May 1, 2018

PROCEDURE

1. PURPOSE

To provide procedures for reduction in force of classified full-time and part-time regular employees.

2. SCOPE AND APPLICABILITY

This procedure applies to all part-time and full-time regular employees.

3. DEFINITIONS

- A. Classified employee-a regular full-time or regular part-time employee of an organization who:
 - 1. Does not meet the duties test for exempt status under the provisions of the Fair Labor Standards Act; and
 - 2. Is not otherwise nonclassified employee designated pursuant to New River Community and Technical College Board of Governors Policy No. 25 Personnel Administration.
 - ii. Full-time regular employee-Any employee in a position created to last a minimum of nine months of a twelve month period and in which such employee is expected to work no less than 1,040 hours during the said period and is covered by the classification system. The full-time equivalent (FTE) of such a position must be reported at no less than 0.53 FTE. Such an employee is eligible for all applicable benefits of a full-time regular employee, subject to the qualifying conditions of each benefit. Such benefits shall be prorated in relation to a 1.00 FTE.
 - iii. Part-time regular employee-Any employee in a position created to last less than 1,040 hours during a twelve-month period. An employee in a part-time position is not eligible for benefits and is covered by the classification system.
- B. Good standing-any classified employee whose most recent evaluation as meets expectations or equivalent, is not in probationary period, is not on a performance improvement plan of action, or not received a disciplinary action within the last 12 months of active employment.

- C. More senior employee- an employee who has greater longevity with the College than another employee who is also subject to reduction in force at the same job title/classification and subject to the reduction in force.
- D. Reduction in force- reducing the number of part-time and full-time classified employees including but not limited to, budget reduction, lack of funds or work, abolishment of position, or material changes in duties or responsibilities of a position, program change/elimination, or an emergency that curtails operations.
- E. Service to the College-service including but not limited to committees, volunteer work, additional projects, and leadership roles.

4. PROCEDURES

New River Community and Technical College will ensure compliance with WV State Code 18B-7(3) entitled Reducing Workforce. Based on WV State Code, the College will establish guidelines and procedures governing the reduction in force for full-time classified employees.

- A. For reduction in force for reason of lack of funds or work, or abolition of position or material changes in duties or organization, the institution may terminate the incumbent in the position being eliminated.
- B. In the case of elimination of some but not all of the positions of the same job title/classification, consideration shall be given in prioritized order to an employee's documented (1) quality of work performance as demonstrated in performance evaluations of record (including, but not limited to, performance evaluations, disciplinary records, and behavior), (2) knowledge, skills and abilities (KSA) as documented on the job description, (3) service to the College, and (4) seniority with the College and in the job classification.
 - i. A matrix or ranking form will be developed at the time of a reduction in force to assess the above prioritized list by the President and/or designee to all areas listed and a scoring system will be developed.
 - ii. The matrix will be confidential and utilized as an internal use only document since personnel matters are considered such as performance evaluations and disciplinary actions which are confidential in nature. A final score will be determined based on the matrix and used to determine elimination as set forth in Section 4.B.
- C. If after considering the factors in the above section, the College elects a reduction in force of a more senior employee, then the organization may offer to the more senior employee a severance package, the value of which shall not exceed the more senior employee's salary for one year. A severance package should not be considered when the reduction in force is due to budget reduction or lack of funds.
- D. A written notice to reduce the workforce will be sent at least ten (10) working days prior to the reduction in force if the reduction is for any reason other than a budget decrease or lack of funds or work. The written notice will be hand-delivered or mailed certified/return receipt.
- E. The College shall not fill a specific position within the same title that has been eliminated by a reduction in force for a minimum of six (6) months with a full time

regular employee.

- F. Classified employees that are part of a reduction in force will be given a preference as defined below for six (6) months after the date of the reduction in force.
 - i. Any employee in good standing terminated through a reduction in force that applies for and meets the minimum qualifications for a classified position at same or lesser pay grade and classification will be granted an interview with the search committee, first-level and second-level supervisor. No other preferences will be afforded.
- G. Commitment to Equal Opportunity and Affirmative Action: All decisions within this procedure shall be made without regard to race, color, religion, sex (including pregnancy), sexual orientation, gender identity, national origin, age, marital status, veteran or military status, disability, or genetic information or any other status or condition protected by applicable federal or state laws, except where a bona fide occupational qualification applies.

RELATED POLICIES AND/OR PROCEDURES: Operating Rule 24 Reduction in Force
(Classified Employees)

RESPONSIBLE OFFICES: President

Approved by: President's Cabinet and Extended Cabinet